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IN THE
Supreme Court of the United States

OCTOBER TERM, 1937

NO. 596.

JOHN G. RUHLIN, JENNIE B. RUHLIN, et al.,
Petitioners,

v.

NEW YORK LIFE INSURANCE COMPANY,
Respondent.

MEMORANDUM FOR RESPONDENT.

✓ **LOUIS H. COOKE,**

✓ **WILLIAM H. ECKERT,**

Counsel for Respondent.

**1025 Union Trust Building,
Pittsburgh, Pennsylvania.**

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NEW YORK LIFE INSURANCE COMPANY,
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MEMORANDUM FOR RESPONDENT.

Being thoroughly convinced of the correctness of the decisions of the District Court and the Circuit Court of Appeals in this case and in view of the opinion of this Court in *Stroehmann v. Mutual Life Ins. Co.*, 300 U. S. 435, we raise no objection to the granting of a writ of certiorari in order that this Court may have an opportunity to rule directly upon the incontestable clause of the respondent and express its disapproval of the decisions of the Circuit Court of Appeals for the Ninth Circuit in *New York Life Ins. Co. v. Kaufman*, 78 F. (2d) 398, and for the Fourth Circuit in *New York Life Ins. Co. v. Truesdale*, 79 F. (2d) 481, which we believe to be erroneous.

Respectfully submitted,

LOUIS H. COOKE,

WILLIAM H. ECKERT,

Counsel for Respondent.